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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,251	12/01/2003	Jorgen AHLBERG	07589.0145.PCUS00	1250
28694	7590	02/15/2005	EXAMINER	
TRACY W. DRUCE, ESQ. NOVAK DRUCE & QUIGG LLP 1615 L STREET NW SUITE 850 WASHINGTON, DC 20036			GORDON, STEPHEN T	
			ART UNIT	PAPER NUMBER
			3612	
DATE MAILED: 02/15/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/707,251

Applicant(s)

AHLBERG, JORGEN

Examiner

Stephen Gordon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12-1-03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Applicant should note, the foreign document cited on the last page of the instant specification is not readily available to the examiner. If applicant wishes this document to be considered, a copy of the document should be forwarded to the office with the response to this action.

2. Applicant has not submitted copies of the relied upon PCT and Swedish documents. It is requested that applicant submit copies of these documents in response to this action so they can be properly considered.

3. The drawings are objected to because topmost label 22 of figure 5 should be -- 25--. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

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the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claim 1, "the vehicle" in line 3 lacks clear antecedent basis and could be written as --the truck--.

Re claim 2, "the same plane" lacks clear antecedent basis and could be written as --a same plane--. Additionally, it is not entirely clear to what "same" in this term refers to or is relative to. In other words, better definition of the definition of the plane in the claim language should be included. Finally, it is noted that line 4 is slightly awkward, and --which-- could be inserted before "work" in the line to correct the claim in this regard.

Re claim 3, "the vehicle frame" in lines 3-4 lacks clear antecedent basis and could be written as --the truck frame--.

Re claim 4, "the piston rod" lacks clear antecedent basis and could be written as --a piston rod--. Additionally, "the secondary piston cylinder" lacks antecedent basis.

Re claim 5, the recited piston cylinder on line 2 is somewhat confusing as it is not clear if/how such cylinder relates to the previously recited cylinders. Such should be clarified in the claim language.

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Re claim 8, "the vehicle" in line 2 lacks clear antecedent basis and could be written as --the truck--.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 4-6, and 8, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Dalman.

Dalman teaches a hydraulic arrangement for operating a load body on a truck. The load body is connected to a frame of the truck at an articulated joint for tipping – see figure 2. The system includes two parallel cylinders (see 2 cylinders 20 – e.g. figure 4 etc) which are hydraulically and mechanically coupled together as broadly claimed.

Re claims 1 and 8, the cylinders (20) do not operate in an opposite working direction – note the piston of both pushes up and is located above the respective cylinders in the raised load body position.

It is known in the art to orient load body lifting hydraulic cylinder assemblies with the piston of the assembly pushing down on the vehicle frame and the cylinder located above the piston in the raised load body position. Such is evidenced by the orientation of the cylinder assembly 11 of Dalman. Note, however, the cylinder 11 is not positioned

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precisely parallel to the other cylinders 20, but nonetheless clearly teaches the opposite orientation of the push piston.

As an obvious reversal of parts (i.e. reversing the cylinder and piston orientation), it would have been obvious to one of ordinary skill in the art to reverse the orientation of one of the cylinders 20 such that the piston was below the cylinder in the raised load body position in view of known art practices as evidenced by Dalman. Such an orientation would include the two parallel cylinders 20 oriented in opposite working directions.

Re claims 4 and 5, the modified Dalman device includes a mounting positioned and operable as broadly claimed and as best understood.

Re claim 6, the cylinders are coupled in parallel as broadly claimed.

7. Claims 2-3 and 7 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.


8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note at least Jones et al teaches primary and secondary tipping cylinders.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Gordon whose telephone number is (703) 308-

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2556. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Stephen Gordon
Primary Examiner
Art Unit 3612

stg